

**TREMONTON CITY CORPORATION  
CITY COUNCIL MEETING  
February 16, 2016**

Members Present:

Diana Doutre  
Lyle Holmgren – excused  
Jeff Reese – excused  
Bret Rohde  
Lyle Vance  
Roger Fridal, Mayor  
Shawn Warnke, City Manager  
Darlene S. Hess, Recorder

**CITY COUNCIL TRAINING**

Mayor Fridal called the February 16, 2016 City Council Training to order at 5:30 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Rohde, and Vance, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Also in attendance was Emergency Management Coordinator Jim Hess. Councilmembers Holmgren and Reese were excused.

1. Training on Incident Command System.

Ted Wooley, of the Department of Public Services and Director of Emergency Management presented a review of (ICS-100/200).

Training adjourned at 6:37 p.m.

**CITY COUNCIL WORKSHOP**

Mayor Fridal called the February 16, 2016 City Council Workshop to order at 6:38 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Rohde, and Vance, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Councilmembers Holmgren and Reese were excused.

1. Review of agenda items on the 7:00 p.m. Council Meeting:

The Council reviewed the February 16, 2016 Agenda with the following items being discussed in more detail:

**Public Hearing.** Manager Warnke noted that after the public hearing, there is a resolution discussing a Pre-Annexation Agreement for the Council to consider. Several items in the Pre-Annexation Agreement include number of vehicle accesses required during the development of the property that is proposed for annexation and the requirement to have within six (6) months, an agreement for a trail corridor that will be dedicated to the City and the developer will be compensated for the land.

Micah Capener stated that an engineer put something together showing that the dedication of a trail corridor to the City will occupy the equivalent of three (3) lots. Manager Warnke commented that the trail will follow the railroad because it is straighter line and will allow better align with the other existing corridor alignment to the north. Councilmember Doutre asked if there is a parking area planned. Manager Warnke explained there is not as this trail is for alternative forms of transportation. Recreation trails usually need a trailhead for people to park. If the Council decides there is a need for a trailhead at this location, it could be discussed at a later date.

Mr. Capener noted that he and Joshua Canfield would have a 1.5 lot impact because of the trail. Mr. Capener noted he does not have a problem with the Annexation Agreement but he is not sure why the annexation requires another exit. Going over the canal will be a real cost. Tremonton Pines only required one exit and they have ninety (90) plus rental units and Mr. Capener only has forty (40) units. Mr. Capener's property is all improved and planned to stub out to Tremont Street.

Manager Warnke explained it came from a discussion with the Land Use Authority Board. It can be discussed further and worked through it. It was noted that 600 South is critical as it is a collector road. Mr. Capener would like the Annexation Agreement to read that there needs to have a second exit at some point. Manager Warnke stated that 600 South is critical so everyone is not forced to go down to 1200 South. Manager Warnke tried to contact Mr. Capener before City Council to discuss this item but he was unavailable. The price needs to be worked through and Mr. Capener would be reimbursed through Impact Fees. Mr. Capener noted that the lots were planned to sell for \$50K and the \$10-15K development per lot could be adjusted.

Councilmember Vance asked if there is a fence or wall between the trail and the development. Manager Warnke stated that the cost for developing the fence has been split in the past. Mr. Capener noted he would prefer having the trail run along the canal since they are required to put up a fence there and they are not required to put up a fence along the railway. There is a maintenance road on the other side of the canal.

**2. CLOSED SESSION:**

- a. Strategy session to discuss the purchase of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms*

This item was not discussed in the City Workshop because of time restraints.

The meeting adjourned at 6:55 p.m. by consensus of the Council.

### **CITY COUNCIL MEETING**

Mayor Fridal called the February 16, 2016 City Council Meeting to order at 7:05 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Dautre, Rohde, and Vance, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Public Works Director Paul Fulgham, and Police Chief David Nance. Councilmembers Holmgren and Councilmember Reese were excused. Councilmember Reese will join via telephone later in the meeting.

1. Opening Ceremony:

Mayor Fridal informed the audience that Councilmember Rohde volunteered to lead the Pledge of Allegiance in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Mayor Roger Fridal and the Pledge of Allegiance was led by Councilmember Rohde.

2. Introduction of guests:

Mayor Fridal welcomed Kevin Christensen from the Bear River Health Department and assorted citizens.

3. Approval of Agenda:

Mayor Fridal asked if there were any changes or corrections to the Agenda. No comments were made.

**Motion by Councilmember Dautre to approve the agenda of February 16, 2016.** Motion seconded by Councilmember Vance. Vote: Councilmember Dautre - aye, Councilmember Rohde - aye, and Councilmember Vance - aye. Motion approved.

4. Approval of minutes – February 2, 2016:

Mayor Fridal asked if there were any changes to the minutes. There were no comments.

**Motion by Councilmember Rohde to approve the minutes of February 2, 2016.** Motion seconded by Councilmember Dautre. Vote: Councilmember Dautre - aye, Councilmember Rohde - aye, and Councilmember Vance - aye. Motion approved.

5. Public comments: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.

There were no public comments.

6. Public Hearing:

Mayor Fridal called a Public Hearing to order at 7:07 p.m. to consider the proposed annexation. There were nine (9) people in attendance.

- a. Concerning the proposed annexation of real property owned by Tremont Place, LLC, Joshua John Canfield, and Thomas Investments Limited Partnership (Tax ID Nos. 05-186-0001, 05-186-0009, and 05-186-0049) within the areas defined in the Master Policy Declaration for future expansion by Tremonton City

There were no public comments. Mayor Fridal closed the Public Hearing at 7:08 p.m.

7. Request(s) to be on the agenda

- a. 2015 Annual Report of the Bear River Health Department – Kevin Christensen

Kevin Christensen thanked the Council for allowing him to present the Bear River Health Department (BRHD) Annual Report for 2015. He expressed appreciation from Lloyd Berentzen, Director and Health Officer, to Tremonton City for allowing the BRHD to have a building here. The functionality of the building has been good. There has been a good partnership with those that share the building: The Community Health Center, and Bear River Mental Health. The ability to provide services to people has been enhanced because of that close working relationship.

Three of the Board Members are from Box Elder County including Jim Abel who is in attendance this evening. Mr. Christensen expressed appreciation to Mr. Abel, Dale Ward (Box Elder County Sheriff's Office), and Jeff Scott (Box Elder County Commissioner) for their leadership and organizational skills. The BRHD has been very active in vaccinating children and adults against a variety of different diseases. The number of vaccinated people goes up with the vaccination clinics going to the public. This increases the community immunity, so people that cannot get immunized for health reasons have immunity around them because of those that are vaccinated or immune.

Mayor Fridal said there are people that say no one should get vaccinated because it is a conspiracy. Mr. Christensen noted that some people have concerns about if vaccinations because of other concerns or think certain diseases are linked to vaccinations. It has been found that popular people, such as actors, have a lot of sway when they discuss their beliefs about vaccinations. Mr. Christensen is more inclined to look at the individuals' credentials and see if they belong to the medical profession. Right now the medical profession indicates that vaccinations are productive and positive. Vaccinations are not without issues. There is about a 30% failure rate with any vaccination.

There were 124 external immunization clinics last year where nurses went to different locations to administer vaccinations. The vaccination rate has increased by over 4,000 people in the health district because of the clinics. Director

Berentzen told the Board of Health recently that the immunization clinics have the potential to help out more by being on the road more. The Bear River Valley Senior Center has done immunization clinics for the past several years.

The BRHD has long enjoyed a great relationship with community agencies and judicial systems and provided substance abuse counseling to the organizations. In 2015, the Cache County Jail asked BRHD to provide enhanced services to the inmates to help them make a transition away from drugs and alcohol. Box Elder County heard of the service provided and asked BRHD to provide the same service in Box Elder County.

The Northern Box Elder County Suicide Prevention Coalition was started three (3) years ago in Tremonton. It has expanded to have coalitions in Cache County and Brigham City. The BRHD has trained over 1,000 individuals in the QPR Certification Process. QPR stands for Question, Persuade, and Refer. The goal is to reduce the number of suicides in our communities. The number of suicides in the northern part of Box Elder County has always been high.

Mr. Christensen spoke about the Nurse Family Partnership (NFP) which has nurses that go to homes of women who are having their first baby, are not more than twenty-eight (28) weeks pregnant, and meet low income guidelines. The nurse will work with the mother for a two (2) year period. The main goals are: 1) Improve pregnancy outcomes; 2) Improve child health and development; and 3) Improve economic self-sufficiency. It has been found to have a: 1) 48% reduction in child abuse which is significant; 2) 56% reduction in emergency room visits for accidents and poisonings; 3) 67% reduction in behavioral and intellectual problems in children at age six; and 4) 72% fewer convictions of mothers when the children are age 15.

This NFP is a nationwide program started years ago. The success is impressive. Box Elder County has currently had fourteen (14) referrals since the program started less than a year ago. It is a free program. Currently, seven (7) clients are being served in Box Elder County area; twenty-five (25) district wide and hope to have the number up to one hundred (100) clients. Mr. Christensen asked anyone in the room to spread the word to those that may have need of these services and meet the criteria.

Mr. Christensen thanked the Council for allowing him to come to City Council. He is originally from Brigham City and has a special place in his heart for Box Elder County. There are great people in northern Box Elder County. Councilmember Dautre asked if the BRHD works with religious leaders. Mr. Christensen said the information is shared with religious leaders. The BRHD has success because of partnerships with individuals, businesses, religious communities, and organizations. Mayor Fridal asked if there is anything Tremonton can do to help the BRHD. Mr. Christensen does not know of anything that has come up in meetings and asked Mr. Abel if he could think of anything. Mr. Abel said the BRHD can always use more funds. If anything comes up, Mr. Christensen will bring those requests to the Council. Mayor Fridal thanked Mr. Christensen for his time.

8. New Council Business:

- a. Discussion and consideration of approving the FY 2014-2015 Thirteenth period Financial Statement

Manager Warnke explained that the thirteenth period is what is used to make final entries for transactions that occurred within the fiscal year but the paperwork was received after the official ending date. It is the final financial statement for the 2014-2015 fiscal year.

**Motion by Councilmember Vance to approve FY 2014-2015 Thirteenth Financial Statement.** Motion seconded simultaneously by Councilmembers Doutre and Rohde. Vote: Councilmember Doutre - aye, Councilmember Rohde - aye, and Councilmember Vance - aye. Motion approved.

- b. Discussion and consideration of approving the January Warrant Register

Councilmember Vance asked about charges for furnaces at the Senior Center. Director Fulgham stated that two (2) furnaces were replaced. The internal units had cracked and were leaking carbon monoxide. Councilmember Rohde explained that the expense came in December, before Councilmember Vance was sworn in, and Manager Warnke called all the Councilmembers and discussed the need and got approval before proceeding. Director Fulgham stated that Senior Center Director Marion Layne put out the furnaces for bid and took the lowest bid to get the furnaces replaced.

Councilmember Vance asked if there are any other major repairs that need to be done at the Bear River Valley Senior Center. Councilmember Doutre explained that Director Layne would like to have the floor redone. Director Fulgham said there have been roof issues that were repaired but he does not know of any other repairs that have been identified. Councilmember Rohde asked if there is money put aside for these types of repairs. Director Fulgham spoke about depreciation in the utilities that is put aside for future expenses; however, the General Fund properties generally do not have money put aside as the funds come from tax dollars. The City tries to have funds in reserves and Capital Improvement Funds to help cover emergencies.

**Motion by Councilmember Vance to approve the January Warrant Register.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Rohde - aye, and Councilmember Vance - aye. Motion approved.

- c. Discussion and consideration of approving the January Financial Statement

**Motion by Councilmember Doutre to approve the Financial Statement.** Motion seconded simultaneously by Councilmembers Rohde and Vance. Vote: Councilmember Doutre - aye, Councilmember Rohde - aye, and Councilmember Vance - aye. Motion approved.

- d. Discussion and consideration of approving Resolution No. 16-08 repealing

Resolution No. 15-41 rescinding a Federal Aid Agreement for local agency project for the acquisition of alternative fuel vehicles for Tremonton City

Manager Warnke recalled an agreement (approved when the City Council adopted Resolution No. 15-41) the City entered into with UDOT for vehicles. The funding from CMAQ (Congestion Mitigation and Air Quality) was for cleaner burning vehicles. UDOT processed the Buy America Waiver, which was required. Through the waiver process, it was brought to UDOT's attention the CMAQ funds could only be used for incremental value between buying a traditional gas burning and a cleaner burning vehicle such as a Hybrid or natural gas. It was found to have very little incremental difference when Chief Nance researched bids for vehicles for the Senior Center primarily.

**Motion by Councilmember Doutre to approve Resolution No. 16-08 to repeal Resolution No. 15-41.** Motion seconded by Councilmember Vance. Roll Call Vote: Councilmember Rohde - aye, Councilmember Doutre - aye, and Councilmember Vance - aye. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 16-09 adopting the Tremonton City Pandemic Emergency Plan

Emergency Management Coordinator Jim Hess noted that the Tremonton City Pandemic Emergency Plan was not included last month when the Council approved the Emergency Operations Plan. The Pandemic Emergency Plan is an appendix that needs to be approved by the Council. A Pandemic Emergency Plan is different from a regular Emergency Plan and is more of a stand back approach. The Pandemic Emergency Plan outlines what the City will do in the event of a disease outbreak.

There have been a few minor changes from the last time it was approved. Each department was liable for getting supplies and tracking expiration dates. Now departments will be responsible for getting supplies but Emergency Management Coordinator Hess will oversee and review yearly to check expiration dates. Section 4, Essential Preparatory Measures, has a change in wording from "Create plans for conducting Departmental operations with 40% to 60% reduced staff" to "Be prepared to conduct Departmental operations with 40% to 60% reduced staff. Some Departments only have one (1) person so they will not be required to have a written plan but still need to have something in mind for how they will do business during a pandemic.

The overall Pandemic Emergency Plan will be to reduce staff and try to stay away from people to keep them from exposure. Councilmember Rohde said it was a well written plan.

**Motion by Councilmember Rohde to accept Resolution No. 16-09.** Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Rohde - aye, Councilmember Doutre - aye, and Councilmember Vance - aye. Motion approved.

- f. Discussion and consideration of adopting Resolution No. 16-10 approving a Pre-

Annexation Agreement for parcel numbers 05-186-0001 owned by Joshua Canfield and 05-186-0009 owned by Tremont Place

Councilmember Vance declared a conflict of interest and reported that he cannot vote on item 8f.

Councilmember Reese joined City Council via telephone at 7:30 p.m.

Manager Warnke noted that Resolution No. 16-10 is a Pre-Annexation Agreement for a twenty-seven (27) acre parcel between 600 South and 1200 South. Tremonton City is creating a transportation or trail corridor with the primary objective to provide alternative forms of transportation. The City needs to gain a twenty (20) foot wide trail. The land owners would be reimbursed with the Parks and Trails Impact Fees as they are collected from the development. The template impact fee reimbursement agreement needs to be finalized. Manager Warnke noted that Mr. Capener told the Council in the Work Session that the twenty (20) foot trail would be equivalent to three (3) homes. The City would be responsible for the pre-development and pre-annexation price of the property. The agreement also clarifies that the Canal Company would continue to have maintenance access to the canal.

Manager Warnke commented there was also a discussion in the Work Session regarding accesses into the other adjoining subdivisions and City roads. Mr. Capener will be discussing that further with the Land Use Authority Board. There is one (1) Storm Drain Pond that will service all of the annexed property instead of smaller ponds. If the Council approves and allows City Staff to work on the final language as it relates to the accesses, the Annexation Agreement is in final form. Councilmember Rohde and Doutre would like to know the price that is agreed upon for the property. Manager Warnke explained there will be an Impact Fee Reimbursement Agreement that will come to the Council for approval that will list the amount.

Mayor Fridal asked Mr. Capener if he was okay with the Annexation Agreement. Mr. Capener said he has not spoken with Mr. Canfield yet and would like to address concerns regarding the Storm Drain Pond that would be accessible by the property Mr. Canfield owns. Manager Warnke stated that concern could be addressed in the Land Use Authority Board, but ultimately the Storm Drain Pond would need to be sized so it would accommodate all the property in the annexation and be accessible so Mr. Canfield's property could be added to it. Mr. Capener noted that the land slopes south and the Storm Drain Pond would need to be located on the south frontage.

Mr. Capener believes that generally the partners are supportive although he has not spoken with Mr. Canfield.

**Motion by Councilmember Doutre to adopt Resolution No. 16-10 and approve a Pre-Annexation Agreement allowing the Land Use Authority Board and the Developer to come to an agreement on some of the final conditions within the stated agreement.** Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Rohde - aye, Councilmember Doutre -



aye, and Councilmember Reese - aye. Councilmember Vance declared a conflict of interest and abstained from voting. Motion approved.

- g. Discussion and consideration of adopting Ordinance No. 16-06 annexing specific property to Tremonton, Utah

Manager Warnke commented that items 8g and 8h are part of the annexation process as required by State Law. The Ordinance must be recorded a in the Box Elder County Recorder's Office and also distributed to the Lieutenant Governor's Office. Resolution No. 16-11 would amend the Articles of Incorporation and would go to the Lieutenant Governor's Office to fulfill the City's duty.

**Motion by Councilmember Rohde to adopt Ordinance 16-06, annexing real property specific parcel numbers as listed in the Ordinance.** Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Rohde - aye, Councilmember Doutre - aye, and Councilmember Reese - aye. Councilmember Vance declared a conflict of interest and abstained from voting. Motion approved.

- h. Discussion and consideration of adopting Resolution No. 16-11 amending its Articles of Incorporation

This item was discussed above in item 8g.

**Motion by Councilmember Doutre to adopt Resolution No. 16-11 and amend the Articles of Incorporation.** Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde - aye, Councilmember Doutre - aye, and Councilmember Reese - aye. Councilmember Vance declared a conflict of interest and abstained from voting. Motion approved.

9. Comments:

- a. Administration/City Manager Advise and Consent

Manager Warnke remarked that the Council will need a Closed Session after the Council Reports.

- b. City Department Head Reports

Director Fulgham spoke about Senate passed Bill 28 – Water System Conservation Pricing. Director Fulgham is on the Board of Directors for the Rural Water Association and is on the Legislative Committee. The Committee opposed the Bill but it has passed the House and the Senate. By law, it requires every water company to have conservation rates or block pricing per thousand gallons. The more water you use, the more you pay. The Committee does not oppose conservation but does not want State Law telling water systems how to run their business.

Director Fulgham prepared a conservation rate for Mayor Fridal to present to the Council in the past. The conservation rate will be coming to the Council again,

but it will be mandated by State Law. Mayor Fridal spoke with Terry Smith from the Rural Water Association. Mr. Smith goes to districts and communities and helps them develop a conservation rate. Director Fulgham went over the conservation rate that was presented to the Council with Mr. Smith and Mr. Smith was in total agreement with the rate. Director Fulgham explained that a conservation rate is to incentivize people to use less water. The requirement will come around the first of May or the first of June. The Council will have to adopt a conservation rate by resolution. The requirement says the City must have incremental block rates.

Councilmember Vance asked how difficult it would be to charge users on usage. Director Fulgham noted there are fixed costs. If a user does not use any water during the month, there are still costs for the City to do business. The City has set a base rate for zero gallons with incremental charges added on for usage. Most cities have a base rate for zero gallons. Director Fulgham noted the City has a base rate of \$13.70 for 12,800 gallons. Once usage goes over the 12,800 gallons per month, there is a charge of \$1.13 per 1,000 gallon units over the 12,800 gallons. Director Fulgham uses about 5,000 gallons per winter month. There are some users that only use 1-2,000 gallons per month which means they are helping supplement other peoples use. The City used to have a base rate based on 15,000 gallons and the Council worked with City Staff to lower it to 12,800. The Council wanted it lowered to 10,000 gallons for a base but City Staff thought that amount would be usage for a medium sized household without any outdoor watering. Director Fulgham will put together different rates for the Council to consider, including a base rate for zero gallons where everyone would pay for actual water usage.

Councilmember Vance noted that commercial and rental properties subsidize some of the residential that decreased the value of the real estate. The expenses go against the value when doing an appraisal and lower the value. Mayor Fridal is on the State Drinking Water Board. The Board deals with communities, districts, or towns that are dealing with water rates and would like a loan. The lowest water rate Mayor Fridal recalls is \$38 per month up to \$60-80 just for basic water service. Director Fulgham explained that bigger cities will have lower rates while rural cities generally have higher rates. The town of Clinton, MI has been in the news lately. Their water rate is \$140 per month just for water. Even though Utah is dessert, it has some of the lowest rates in the nation. Mayor Fridal noted that Tremonton has some of the lower rates he has seen.

c. Council Reports

**Councilmember Vance** is excited to note the Senior Center has new furnaces.

**Motion by Councilmember Rohde to move into Closed Session.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre – aye, Councilmember Rohde – aye, and Councilmember Vance – aye. Motion approved.

The Council moved into closed session at 7:56 p.m.

**CLOSED SESSION:**

- a. *Strategy session to discuss the purchase of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms*

**Motion by Councilmember Rohde to return to Open Session.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre – aye, Councilmember Rohde – aye, and Councilmember Vance – aye. Motion approved.

The Council returned to open session at 8:27 p.m.

13. Adjournment.

**Motion by Councilmember Doutre to adjourn the meeting.** Motion seconded by Councilmember Vance. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Vance - aye. Motion approved.

The meeting adjourned at 8:18 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Cynthia Nelson.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Darlene S. Hess, Recorder